

AO 440 (Rev. 03/08) Civil Summons (cand 6/08)

# UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

FIBERTREK, INC., a Nevada Corp.; Lawrence P. )  
Wagner, an individual; and John G. Peery, an )  
individual, )

Plaintiff )

v. )

PREFERRED CORPORATE SERVICES, INC., )  
a California Corp.; Douglas Gregg, an individual; )  
TDG, LLC, a Colorado Limited Liability )  
Company; Neil Smith, an individual, Does 1-100, )  
Defendant )

Civil Action No. C08 03415 RS

## Summons in a Civil Action

To: NEIL SMITH, an individual

*(Defendant's name)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Douglas W. Dal Cielo, Esq.  
Ropers, Majeski, Kohn & Bentley  
50 West San Fernando Street, Suite 1400  
San Jose, CA 95113

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JUL 23 2008

Richard W. Wieking  
Name of clerk of court

Tiffany Salinas-Harwell

Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*